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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,890	01/06/2005	Shuji Endo	Q82374	8792
23373 7590 03/13/2009 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER KISWANTO, NICHOLAS				
ART UNIT		PAPER NUMBER		
3664				
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03/13/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/500,890

Applicant(s)

ENDO ET AL.

Examiner

NICHOLAS KISWANTO

Art Unit

3664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This Action is in response to Applicant reply filed 3/6/2008.

Previously sent Action dated 8/5/2008 is vacated.

Drawings

1. The drawings were received on 1/9/2008. These drawings are acceptable.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 through 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Endo, 6240350.
4. Endo discloses a self-aligning torque estimating section which estimates a self-aligning torque by and a steering torque feedback section which performs definition of a steering reaction force based on a self-aligning torque estimated value which has been estimated by the self-aligning torque estimating section and feeds the steering reaction force back to the steering torque; said self-aligning torque estimating section estimates the self-aligning torque by a disturbance observer constitution; the self-aligning torque estimating section is allowed to estimate the self-aligning torque from a motor rotation signal or angular speed signal and a motor electric current command value; and definition of static characteristics of the steering torque feedback section is determined

based on the steering reaction force and the self-aligning torque estimated value; the definition of dynamic characteristics of the steering reaction force of the steering torque feedback section is performed such that a gain of a transfer function in a frequency band of information which is desirous to be conveyed to a driver is allowed to be large, while the gain of the transfer function in the frequency band of information which is not desirous to be conveyed to the driver is allowed to be small; and a characteristic of a controller into which a deviation between the steering torque and an output from the steering torque feedback section is inputted is allowed to be a proportional factor in a low range and a cutoff factor in a high range, without containing an integral factor on columns 1, 2, 6, 7, and 8.

5. Applicant doesn't seem to have claimed the invention as it is disclosed in the specification. For instance, some of the terms in the claims aren't specifically defined in the specification and this leaves them open to reasonably broader interpretation. One example would be "a disturbance observer constitution."

Response to Arguments

6. Applicant's arguments filed 1/9/2008 have been fully considered but they are not persuasive. Applicant argues that Endo does not "estimate the self-aligning torque by the disturbance observer constitution", however, as previously addressed, "disturbance observer constitution" is an ambiguous entity. While it may be well known to Applicant as argued, it is not a commonly used term in the art and one cannot apply one's own definition to such terms. Broadly interpreted, "disturbance observer constitution" is

currently taken to mean the yaw sensors, etc. that constitute input for self-aligning torque, since a change in yaw is a disturbance and the sensor observes said disturbance.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Kiswanto whose telephone number is 571-270-3269. The examiner can normally be reached on Tuesday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on 571-272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nicholas Kiswanto
March 9, 2009
/KHOI TRAN/
Supervisory Patent Examiner, Art Unit 3664